

Application/Control No. 10/045,850
Art Unit: 3762

REMARKS

Pursuant to the Office Action claims 1-25 are pending in the application, claims 1-7, 13-15, 18-21 and 23-25 stand allowed, claims 8-12, 16, 17, and 22 are rejected.

I. Claim Rejections Under 35 U.S.C §112

Claims 8, 17 and 22 stand rejected under 35 U.S.C §112, second paragraph, because the Examiner asserts that said claims are confusing. In particular, the Examiner states that all embodiments disclose the elongated tubular member and the wire coil as two separate components and thus the rejected claims state that they are formed of a single elongated wire coil is not understood.

Applicants first of all respectfully assert that claims 8, 17 and 22 are fully supported in the application as filed. At the very least adequate support may be found at page 10, lines 8-14 of the specification, to wit:

The proximal segments of each such deflectable wire comprises an elongated tubular member that can be formed of a solid tube of metal or reinforced plastic. Alternatively, the elongated tubular member and wire coil are formed of a single elongated wire coil having proximal and distal segments, and the wire coil turns in the proximal segment are tightly wound and/or welded together at spaced apart longitudinal and radial locations to create torque control while maintaining flexibility. (emphasis added.)

However, in view of the comments lodged by the Examiner regarding claims 8, 17 and 22 Applicants herein slightly amend said claims to limit the possibility of confusion regarding the coverage thereof. Applicants respectfully request that the Examiner withdraw the present ground of rejection asserted against these claims.

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II. Claim Rejections Under 35 U.S.C §103

Claims 9-12 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable. Since these claims are herewith canceled without prejudice or disclaimer, Applicants respectfully submit that the rejection is rendered moot.

III. Allowable Claims

The Examiner has indicated that claims 1-7, 13-15, 18-21 and 23-25 are allowable. In addition, Applicants respectfully assert that claims 8, 17 and 22 are now also in condition for allowance. Accordingly, Applicants request that the Examiner issue a Notice of Allowance so that all remaining pending claims of the application may proceed to timely issuance as U.S. Letters Patent.

IV. Conclusion

The amendments and modifications of any claim herein occurred as a matter of form and convenience and, unless otherwise indicated, each such amendment or modification was tendered for reasons not related to patentability of the subject matter herein claimed.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

Date

21 Jan. '04

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